IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO :24293 of 1998

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Dated: 24th July 2007.

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Between:

Ch.Malleswari, w/o. Shalomraju, aged about 41 years, working as sectionwriter, West Godavari District Backward Classes Service Co-operative Society Limited, Eluru, West Godavari District.

..... PETITIONER

AND

The District Collector and theChairman, West Godavari District Backward Classes Service Co-operative Society, Eluru, West Godavari District and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P.NO.24293 OF 1998

ORAL ORDER:

This writ petition is instituted questioning the correctness of the orders passed by the Chairman, West Godavari District Backward Classes Service Co-operative Society, Eluru, dated 17th August 1998, declining to consider the case of the writ petitioner for regularization of her services.

The Chairman has examined the case of the writ petitioner for regularization of her services pursuant to the directions issued by this Court in W.P.No.13299 of 1996, instituted by the writ petitioner on a previous occasion. The writ petitioner has drawn inspiration to solicit regularization of her services based upon the order dated 06-02-1998 passed by the Supreme Court in S.L.P. (civil) Nos.27275-27277 of 1996, which in turn arose from the judgment and order dated 30-06-1995, passed in W.A.Nos.603 of 1995 and batch by a Division Bench of this Court. While upholding the view of the Division Bench of this Court that the claims of the candidates, who have completed five years of service be considered for regularization in terms of the scheme announced by the State Government through their G.O.Ms.No.212, dated 22-04-1994, what the Supreme Court pointed out was that the other conditions laid down in G.O.Ms.No.212,

dated 22-04-1994, will have to be satisfied for the purpose of regularization. In this context, the impugned order sets out three reasons there in for rejecting the claim of the petitioner, viz., (1) that the individual should have completed five years of service as on 25-11-1993; (2) there should be a clear vacancy in the establishment where the individual is working; and (3) requirement of the workload for continuance of such post in the organization should be considered.

So far as the first reason is concerned, I am afraid, while passing the impugned order, the respondents have not correctly understood the import or purport of the order passed by this Court in W.P.No.13299 of 1996 instituted by the present petitioner on the previous occasion. This Court directed that the case of the petitioner be considered for regularization if she had completed five years of service. As already noted supra, a Division Bench of this Court had taken the view that the stipulation of completion of five years of service need not be reckoned with reference to 25-11-1993, but the issue of regularization can be taken up for consideration upon completion of five years of service. And this view has been affirmed by the Supreme Court.

Insofar as the second reason/objection raised is concerned, Smt. S.V.Indira, learned Standing Counsel for the Corporation, upon instructions, submits that there is a clear vacancy of Record Assistant available now in the Organisation and the nature of duties and responsibilities

performed by the writ petitioner are akin to the duties and responsibilities of a Record Assistant and her case can be considered against the said post, inasmuch as the Corporation also requires the post of a Record Assistant. Further, the learned counsel for the writ petitioner submits that the writ petitioner is a member belonging to the Scheduled Caste and the policy of the State is to secure employment for women to the extent of 1/3rd of the vacancies and even amongst the 15% of the vacancies normally reserved for Scheduled Castes, there should be proportionate representation of women candidates also. Further, it is asserted that there are not adequate numbers of Scheduled Caste or Women candidates employed in the 2nd respondent Organisation.

Keeping all these factors in mind and also the fact that the writ petitioner had been rendering services against a contingent post of the Corporation for more than a decade, I consider it appropriate to direct the 2nd respondent to take up forthwith the issue relating to the regularization of the services of the writ petitioner against the existing post of Record Assistant, and if she is otherwise eligible and suitable, to pass orders regularizing her services with immediate effect, at any rate the decision in this regard be taken within a period of three months from the date of receipt of a copy of this order.

With the above directions, the writ petition is

disposed. But however, in the circumstances, there shall be no order as to costs.

Nooty Ramamohana Rao, J

24th July 2007
mrk